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The situation in Bosnia and Herzegovina

Austria, Bosnia and Herzegovina, Croatia, Czech Republic, Egypt, Hungary, Indonesia, Jordan, Kuwait, Liechtenstein, Malaysia, Morocco, Pakistan, Saudi Arabia, Slovenia, Turkey and United States of America: draft resolution

The situation in Bosnia and Herzegovina

The General Assembly,

Recalling its resolutions 46/242 of 25 August 1992, 47/1 of 22 September 1992, 47/121 of 18 December 1992, 48/88 of 20 December 1993, 49/10 of 3 November 1994, 51/203 of 17 December 1996 and 52/150 of 15 December 1997 and all relevant resolutions of the Security Council regarding the situation in Bosnia and Herzegovina,

Reaffirming its support for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina, within its internationally recognized borders,

Also reaffirming its support for the equality of the three constituent peoples and others in Bosnia and Herzegovina as a united country with two multi-ethnic entities,

Welcoming the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively, the "Peace Agreement"), signed in Paris on 14 December 1995,[1]

Also welcoming the efforts for the respect, promotion and protection of human rights in all of Bosnia and Herzegovina and for the functioning of the common institutions of Bosnia and Herzegovina, in accordance with the relevant provisions of the Peace Agreement,

Supporting those institutions and organizations of Bosnia and Herzegovina which are engaged in implementation of the Peace Agreement and the process of reconciliation and reintegration,

[1] See A/50/790–S/1995/999, see *Official Records of the Security Council, Fiftieth Year, Supplement for October, November and December, 1995*, document S/1995/999.

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Concerned by the continuing obstructions faced by refugees and displaced persons wishing to return to their homes, in particular in areas where they would be an ethnic minority, emphasizing the need for all parties and the relevant States and international organizations to create the conditions necessary to facilitate return, and stressing the need for a regional approach to the issue of refugees and displaced persons,

Welcoming the results of the Sarajevo and Banja Luka return conferences and urging the authorities to accelerate implementation and remove immediately all remaining political, legal and administrative obstacles to minority returns,

Expressing support for the efforts of the Coalition for Return and the Inter-Religious Council in facilitating the objectives of annex 7 of the Peace Agreement,

Supporting fully the efforts of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, stressing the importance and urgency of the work of the International Tribunal as an element of the process of reconciliation in Bosnia and Herzegovina and in the region as a whole, demanding that States and parties to the Peace Agreement meet their obligations to cooperate fully with the Tribunal, as required by Security Council resolutions 827 (1993) of 25 May 1993, 1022 (1995) of 22 November 1995 and 1207 (1998) of 17 November 1998, including with respect to surrendering persons sought by the Tribunal, and welcoming the efforts to secure compliance with the orders of the Tribunal, consistent with the Security Council mandate,

Welcoming the efforts of the High Representative and the Commander of the Stabilization Force in implementing the provisions of the Peace Agreement, including provisions concerning the International Tribunal,

Having considered the fifth annual report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and noting that the reporting period has been characterized by a substantial improvement over previous years with respect to execution of the Tribunal's orders and compliance with obligations under international law, and also noting that much remains to be done by entities and States in the area,

Noting that most indictees at large are known or are believed to remain free in the territory of the Republika Srpska, an entity of Bosnia and Herzegovina, and the Federal Republic of Yugoslavia, expressing grave concern over the fact that the Federal Republic of Yugoslavia continues to ignore relevant obligations under international law, particularly through its refusal to arrest and surrender persons indicted by the International Tribunal, and also noting that there have been some positive signs on the part of the Republika Srpska for willingness to cooperate with the Tribunal,

Commending the work of the International Commission on Missing Persons and urging the parties to cooperate more effectively to clarify the fate of all missing persons,

Welcoming the mutual recognition among all the successor States of the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stressing the importance of full normalization of relations among those States, including the unconditional establishment of diplomatic relations, in accordance with the Peace Agreement, and the settlement of all issues relating to the succession of the former Yugoslavia, in order to contribute to the achievement of lasting peace and stability in the area,

Welcoming the signing of the Agreement on the Establishment of an Interstate Council for Cooperation between the Republic of Croatia and Bosnia and Herzegovina and the signing of the Agreement on Special Relations between the Republic of Croatia and the Federation of Bosnia and Herzegovina,

Also welcoming the signing of the Agreement on Free Transit through the territory of Croatia to and from the port of Ploce and through the territory of Bosnia and Herzegovina in Neum, and emphasizing its importance with respect to the economic benefit to the two countries and the comprehensive bilateral relationship between them,

Further welcoming the signing of the Protocol on the Introduction of Traffic in Internal Navigable Waterways on the Sava River and its Tributaries between the Republic of Croatia and Bosnia and Herzegovina, and annex 2 of the Memorandum of Understanding concerning Joint Reconstruction of Traffic Links between the Republic of Croatia and Bosnia and Herzegovina,

Stressing the importance of full respect for human rights and fundamental freedoms for the success of the peace efforts for the region, and calling upon the Governments and the authorities in the region, as well as relevant international organizations, to facilitate such full respect,

Noting that democratization in the region will enhance the prospects for a lasting peace and help guarantee full respect for human rights in Bosnia and Herzegovina and in the region,

Welcoming the successful holding of general elections throughout Bosnia and Herzegovina under the supervision of the Organization for Security and Cooperation in Europe on 12 and 13 September 1998, and looking forward to the rapid implementation of the election results,

Noting the positive impact of the four previous pledging conferences on the peace process and reintegration of the country as well as the reconstruction effort, held on 21 December 1995, 13 and 14 April 1996, 25 July 1997 and 8 and 9 May 1998 and chaired by the World Bank and the European Union, stressing the importance and urgency of providing the pledged financial assistance and technical cooperation for reconstruction efforts, and stressing the role of economic revitalization in the process of reconciliation, in the improvement of living conditions and in the maintenance of a durable peace in Bosnia and Herzegovina and in the region,

Stressing that the provision of reconstruction aid and financial assistance is conditional upon the parties' meeting their obligations under the Peace Agreement,

Welcoming in particular the important efforts of the European Union and bilateral and other donors to provide humanitarian and economic assistance for reconstruction,

Welcoming the European Union Declaration on Bosnia and Herzegovina of 8 June 1998, setting out the prospects for closer cooperation between Bosnia and Herzegovina and the European Union and the creation of the European Union/Bosnia and Herzegovina Consultative Task Force,

Underlining that the full, comprehensive and consistent implementation of the Peace Agreement is vital for the maintenance of international peace and security,

Recognizing the importance of demining for the normalization of life and for the return of refugees and internally displaced persons,

1. *Expresses its full support* for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (the "Peace Agreement"), signed at Paris

on 14 December 1995,[1] which constitutes the key mechanism for the achievement of a durable and just peace in Bosnia and Herzegovina, leading to stability and cooperation in the region and the reintegration of Bosnia and Herzegovina at all levels;

2. *Welcomes* the successful implementation of certain aspects of the Peace Agreement, including the establishment of a lasting cessation of hostilities, the introduction of a new flag, passports, common licence plates and a common currency, the implementation of the municipal elections held on 13 and 14 September 1997, and the holding of free and fair elections on 12 and 13 September 1998 throughout Bosnia and Herzegovina;

3. *Reiterates its demands* for the full, comprehensive and consistent implementation of the Peace Agreement for peace in Bosnia and Herzegovina;

4. *Supports fully* the coordinated efforts of the High Representative in the implementation of the peace process in Bosnia and Herzegovina, in accordance with the Peace Agreement, and calls upon all parties to cooperate fully and in good faith with him;

5. *Reaffirms* the conclusions of the Peace Implementation Conference,[2] held at Bonn, Germany, on 9 and 10 December 1997, and calls upon all parties as signatories to the Peace Agreement and others concerned to implement fully those conclusions, including compliance with the decisions of the High Representative, and to continue to work for a peaceful, reintegrated and stable Bosnia and Herzegovina, in accordance with the Peace Agreement;

6. *Also welcomes* the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council, held in Luxembourg on 9 June 1998,[3] and demands their full implementation;

7. *Calls upon* all parties to cooperate fully, and in good faith, in ensuring substantial functioning of all of the common institutions of Bosnia and Herzegovina in accordance with the relevant provisions of the Peace Agreement, and urges the relevant international organizations to continue to provide assistance to meet the infrastructural needs of the common institutions of Bosnia and Herzegovina;

8. *Recognizes* that responsibility for consolidating the peace lies primarily with the authorities of Bosnia and Herzegovina, as was confirmed in particular in the joint declaration adopted at Geneva on 14 August 1996;

9. *Also recognizes* that the role of the international community remains essential, and welcomes the readiness of the international community to continue its efforts towards a self-sustaining peace;

10. *Underlines* that the assistance by the international community remains strictly conditional upon compliance with the Peace Agreement and subsequent obligations, including, in particular, cooperation with the International Tribunal and facilitation of the return of refugees and displaced persons;

11. *Welcomes* the vital contribution of the multinational Stabilization Force in providing a secure environment for the implementation of civilian aspects of the Peace Agreement, calls upon all parties to cooperate fully with it, and in this context, welcomes the authorization by the Security Council of the extension of the mandate of the multinational Stabilization Force;

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[2] See A/52/728-S/1997/979, annex; see *Official Records of the Security Council, Fifty-second Year, Supplement for October, November and December 1997*, document S/1997/979.

[3] See S/1998/498.

12. *Expresses its full support* for the efforts of the United Nations International Police Task Force in carrying out its mandate, and calls for the fullest cooperation by all parties in this regard;

13. *Stresses* the importance of the full, comprehensive and consistent implementation of the Peace Agreement, including cooperation and compliance with the International Tribunal, the establishment of the necessary conditions for the voluntary return of refugees and displaced persons and the establishment of the necessary conditions for freedom of movement;

14. *Welcomes* the successful implementation of the 1997 municipal elections in the overwhelming majority of municipalities, requests the full implementation of the results, and urges the elected authorities to work in a spirit of reconciliation;

15. *Underlines* the importance of establishing, strengthening and expanding free and pluralistic media throughout all of Bosnia and Herzegovina, welcomes the establishment of the Intermediate Media Standards and Licensing Commission in order to promote free, independent and fully restructured media, and stresses the importance of continuing the implementation and development of a truly public television broadcasting service throughout Bosnia and Herzegovina;

16. *Insists upon* the need to surrender all indictees to the International Tribunal for trial, notes that the Tribunal has the authority to address individual responsibility for the perpetration of the crime of genocide, crimes against humanity and other serious violations of international humanitarian law, including in Bosnia and Herzegovina, and demands that all the parties fulfil their obligations to hand over to the Tribunal all indicted persons in territories under their control, to otherwise comply fully with the orders of the Tribunal and to cooperate with the work of the Tribunal, including with exhumations and other investigative acts, in accordance with article 29 of the statute of the Tribunal, with all relevant Security Council resolutions and in accordance with the relevant provisions of the Peace Agreement, in particular the Constitution of Bosnia and Herzegovina;

17. *Welcomes* the support given by Member States so far and urges Member States, taking into account the orders and requests of the International Tribunal, to offer the Tribunal their full support, including financial support, in order to ensure the completion of the Tribunal's purpose, and to carry out their obligations under the statute of the Tribunal and all relevant Security Council resolutions;

18. *Requests* the Secretary-General to provide, by 1 September 1999, a comprehensive report on the events dating from the establishment of the safe area of Srebrenica on 16 April 1993 under Security Council resolution 819 (1993) of 16 April 1993 until the endorsement of the Peace Agreement by the Security Council under resolution 1031 (1995) of 15 December 1995, bearing in mind the relevant decisions of the Security Council and the proceedings of the International Tribunal in this respect, and encourages Member States and others concerned to provide relevant information;

19. *Reaffirms once again* the right of refugees and displaced persons to return voluntarily to their homes of origin in accordance with the Peace Agreement, in particular annex 7 thereto, and the realization of the same in cooperation with the Office of the United Nations High Commissioner for Refugees and host countries, calls upon all parties to substantially improve their cooperation with the international community at the state, entity and local levels, in order to establish immediately the conditions necessary for the return of refugees and displaced persons to their homes and for the freedom of movement and communication of all the citizens of Bosnia and Herzegovina, and upon the relevant international organizations to enhance the conditions to facilitate return, in accordance with

relevant provisions of the Peace Agreement and its annexes, in particular the Constitution of Bosnia and Herzegovina, and welcomes continued and new efforts by the United Nations agencies, the European Union, bilateral and other donors and intergovernmental and non-governmental organizations to establish and implement projects designed to facilitate the early voluntary and orderly return of refugees and displaced persons to all regions of Bosnia and Herzegovina, including projects that would help to create a safe and secure environment with increased economic opportunity;

20. *Encourages* the acceleration of the peaceful, orderly and phased return of refugees and displaced persons, including to areas where they would be an ethnic minority, and strongly condemns all acts of intimidation, violence and killings, including those acts designed to discourage the voluntary return of refugees and displaced persons, and demands that such acts be investigated and prosecuted;

21. *Reaffirms once again its support* for the principle that all statements and commitments made under duress, particularly those regarding land and property, are wholly null and void, in accordance with the relevant provisions of the Peace Agreement, and supports the effective engagement of the Commission on Property Claims of Displaced Persons and Refugees, in compliance with its mandate;

22. *Urges* the adoption and effective implementation of new non-discriminatory property and housing legislation in both entities in order to enable refugees and displaced persons to return to their pre-war homes;

23. *Emphasizes* the importance of economic revitalization and reconstruction for the successful consolidation of the peace process in Bosnia and Herzegovina;

24. *Recognizes* the important contribution of the international community, and invites it to continue to improve coordination;

25. *Stresses* the need for a more comprehensive approach to economic reform, which should contribute to the more homogenous development of economy and trade in the two entities and across the inter-entity boundary line;

26. *Stresses* the importance of establishing an economic programme which should include the creation of a framework for private-sector development, including privatization and improvement of foreign investment conditions, the restructuring of banking and capital markets, the reform of the financial system and adequate social protection;

27. *Welcomes* the progress made in implementing the decision of the Brcko Arbitration Board, stresses that the obligation to cooperate fully with the Supervisor for Brcko and his decisions is an essential obligation for both entities, and notes that the outcome of the Arbitration Award will be significantly affected by the degree of compliance shown by the parties;

28. *Welcomes* the progress made in the implementation of articles II and IV of the Agreement on Regional Stabilization negotiations and the successful graduation to article V, and urges all parties to continue to pursue the full implementation of their obligations;

29. *Stresses* the need for timely information about the level of cooperation and compliance with the International Tribunal and its orders, the status and programme for the return of refugees and displaced persons to and within Bosnia and Herzegovina and the status and implementation of the Agreement on Subregional Arms Control;

30. *Welcomes* the efforts of international and regional organizations, Member States and non-governmental organizations, including through the Board of Donors, as well as the efforts of Bosnia and Herzegovina, in the field of mine action and, in this context, also

welcomes the recent transfer of the responsibilities for the national mine action programme to the Government of Bosnia and Herzegovina and the establishment of the new Slovenian International Trust Fund for Demining and Mine Victims Assistance in Bosnia and Herzegovina, and invites Member States to continue to support the mine action activities in Bosnia and Herzegovina;

31. *Commends* the efforts of the international community, including the Council of Europe, the European Union, the European Community Monitoring Mission, the European Bank for Reconstruction and Development, the International Committee of the Red Cross, the International Monetary Fund, the multinational Stabilization Force, non-governmental organizations, the Organization of the Islamic Conference, the Islamic Development Bank, the Islamic Chamber of Commerce and Industry, the Organization for Security and Cooperation in Europe, the Peace Implementation Council, and the World Bank, in their roles in the implementation of the Peace Agreement;

32. *Commends* in particular, the efforts of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the office of the High Representative for Implementation of the Peace Process in Bosnia and Herzegovina, the office of the Special Rapporteur for Human Rights of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, the Office of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Human Rights, the United Nations International Police Task Force, the United Nations Mission in Bosnia and Herzegovina, the United Nations Development Programme and the other United Nations agencies in the peace process, and encourages their further engagement in the peace process in Bosnia and Herzegovina;

33. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "The situation in Bosnia and Herzegovina".